

# SUMMARY OF INCIDENT

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Investigator: <b>Sgt. Jirak</b>	Team # <b>5</b>	Supervisor: <b>Captain Miley</b>
Date of Report: <b>10/27/89</b>	C.C.R.B. No: <b>8902095</b>	Classification: <b>Force</b>
Date and Time of Incident: <b>07/07/89 2140 hrs</b>	Date and Time Reported to C.C.R.B.: <b>07/07/89 2150 hrs</b>	
Location of Incident: <b>§ 87(2)(b)</b>		Precinct: <b>48</b>

<b>C O M P L A I N T</b>	NAME	STREET	CITY/BOROUGH	STATE	ZIP CODE
	§ 87(2)(b)				
<b>V I C T I M</b>	NAME	STREET	CITY/BOROUGH	STATE	ZIP CODE
	§ 87(2)(b)				
<b>A T T Y</b>	None Representing				

<b>W I T N E S</b>	NAME	STREET	CITY/BOROUGH	STATE	ZIP CODE
	§ 87(2)(b)				

## MEMBERS OF THE SERVICE

RANK	NAME	SUB-JECT	WIT-NESS	SHIELD NO	CMD	TAX REG NO	DUTY STATUS ON OFF	ASSIGNMENT	RACE
P.O.	C. Girven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21455	48	893101	<input checked="" type="checkbox"/>	Patrol	Wh
P.O.	L. Otero	<input checked="" type="checkbox"/>	<input type="checkbox"/>	19742	48	892539	<input checked="" type="checkbox"/>	Patrol	Hisp
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						

<b>ALLEGATIONS</b>	<b>SOURCE</b>	<b>APPENDIX ENCLOSURE NO</b>
A Complainant alleges that POs pointed a gun at, punched and kicked a victim during an arrest	Int.	6

## COMMUNICATIONS TO BE ANSWERED:

<input type="checkbox"/> P.C. Brief	<input type="checkbox"/> Mayor's Office	<input type="checkbox"/> I.A.D. Review	<input type="checkbox"/> Other (specify):
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The complainant was sitting in front of his house when he saw the police chasing a young male down the street. A PO yelled at the victim and ordered him to lay down on the ground, at gun point, which he did. As they were attempting to handcuff him, two(2) other POs kicked him. They placed him in an RMP and two(2) POs, whom he cannot describe hit the prisoner. He does not recall any RMP numbers and could not recognize the POs if he saw them again. (Encl.6)

The victim, § 87(2)(b), was arrested and charged with § 87(2)(b) among other things. Repeated attempts to contact and interview the victim have been unsuccessful and he remains unavailable. (Encl. 4C,8,9,13,14,15,16,21,22,24,25,28)

PO Otero was interviewed on 08/21/89. § 87(2)(g) Otero was the operator of the RMP when he observed a car occupied by eight (8) youths being driven erratically. As he prepared to stop the car, he learned that it was stolen. His partner, Girven, approached the driver's side of the vehicle and the driver drove the car towards him. Girven was dragged a few feet. They chased the car 1½ blocks. When the car stopped the youths exited the car and fled in different directions. Otero helped Girven and they wrestled with and handcuffed the driver, § 87(2)(b). (Victim) Otero denies pointing his gun at § 87(2)(b) or kicking him or punching him in the RMP. When asked if any other MOS might have kicked or punched § 87(2)(b) Otero stated, "No one touched our prisoner." PO Otero was injured as a result of the chase and struggle with the prisoner and was treated at § 87(2)(b) (Encl. 4E,12,17,18)

PO Girven was Otero's partner and was interviewed on 08/21/89. As he approached the car the driver tried to run him over. Girven gave chase on foot and he caught the driver § 87(2)(b) and grabbed him and tried to get him to lay down so that he could handcuff him. § 87(2)(b) was fighting and resisting being handcuffed. Girven and Otero wrestled with him and together they were able to handcuff him and place him in the RMP. Girven denies pointing his gun at § 87(2)(b). He also denies kicking him or striking him in the RMP. PO Girven was injured as a result of the chase and struggle with the prisoner and was treated at § 87(2)(b). (Encl. 11A,11B, 4B,19,20)

Continued

ANALYSIS/FINDING (Omit Recommendation.)

Although the victim was not interviewed various attempts were made to determine if he was injured. PO Girven was questioned about his condition and he stated that he did not appear injured nor did he request medical assistance during his arrest processing. The command log entry at the 48 Precinct indicates that the prisoner arrived in good physical condition. Records at Spofford Juvenile Center do not indicate any injuries or medical treatment.  
(Encl. 19,26,28)

## ANALYSIS/FINDING (Omit Recommendation.)

§ 87(2)(g)

§ 87(2)(g)

The complainant made this complaint based on his observation of an arrest which took place near his home. The incident occurred on 07/70/89 at approximately 2140 hrs and was reported to CCIB by phone 10 minutes later. (Encl.18)

Attempts to locate the victim have been unsuccessful. The phone which the victim called the night he was arrested was called on seven (7) different occasions by the I/O. (Encl.8,9,13,14,15,22,24) There was never any contact with the victim by this method. The victim was placed at the Spofford Detention facility on the night of his arrest and released on 07/12/89. Regular and certified letters were mailed to his home address. The certified letter was returned by the post office as undeliverable. The regular letter was not returned. On 10/17/89 the I/O visited the victims home and spoke to his mother. She stated that he is living with his father and she is not sure of his whereabouts at the present. The I/O gave her his name and phone number and left a letter for the victim in the event that she sees him. To date there has been no response. (Encl.4C,16,21,25,28)

In reference to the prisoner's condition, PO Girven stated in his interview that he was not injured and did not request any medical attention. The command log entry at the time of his arrest indicates that the prisoner was not injured. Records at Spofford Juvenile detention facility indicate that there were no injuries to the prisoner. (Encl. 19,26,28)

Mary Scott stated to Sgt. Kelly that she did not witness any wrong doing by the police on 7/7/89. She stated she left the scene before the incident was over. (Encl#30)

## SUMMARY OF FINDINGS AND RECOMMENDATIONS

ALLEGATION	CLASSIFICATION					FINDINGS AND RECOMMENDATIONS
	F	A	D	E		
A	X				§ 87(2)(g)	

TOTAL ENCLOSURES

INVESTIGATOR'S SIGNATURE

SUPERVISOR'S SIGNATURE

30 *Sergeant Ronald J. Jirik* *[Signature]*

REPORT OF INVESTIGATION OF  
CIVILIAN COMPLAINTS

ENDORSEMENTS SHEET "G" Page 7 of 7 Pages

1ST ENDORSEMENT

C.C.R.B. # 8902095

12/7/89

From: ☐ Civilian Complaint Supervisor

☐ Deputy Civilian Complaint Supervisor

To: Executive Director, Civilian Complaint Review Board

The undersigned recommends that this matter be filed as:

Allegation A unsubstantiated

Capt. [Signature]  
Signature

2ND ENDORSEMENT

1/3/90

From: ☐ Executive Director, Civilian Complaint Review Board

☒ Deputy Director, Civilian Complaint Review Board

☐ Deputy Assistant Director, Civilian Complaint Review Board

To: The Civilian Complaint Review Board

The undersigned recommends that this matter be filed as:

Unsubstantiated

[Signature]  
Signature